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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/719,537	12/18/2000	Andre Chovin	200456US2XPC	4106

22850 7590 05/24/2004

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER
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CABRERA, ZOILA E

ART UNIT	PAPER NUMBER
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2125

DATE MAILED: 05/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/719,537

Applicant(s)

CHOVIN ET AL.

Examiner

Zoila E. Cabrera

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on March 18, 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 5-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Final Rejection***

***Response to Arguments***

1. Applicant's arguments with respect to claim 5 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Starke et al. (US 5,428,555)** in view of **Grube (6,112,132)**.

**Starke** discloses, regarding claim 5, a system comprising:

- At least one automaton, said at least one automaton provided with a data-exchange function (Fig. 1A, elements 12, 18a-18f; Col. 5, lines 51-56; Fig. 1B element 41), said at least one automaton connected to sensors and/or actuators (Col. 1, lines 33-40); a communication line (Fig. 1, element 40, Fig. 1B, communication line between elements 13, 25 and 41); and a microcomputer connected to communicate with said at least one automaton through the communication line connected to a microcomputer input (Fig. 1, element 13 and 41), said microcomputer comprising an automaton interface driver (Fig. 1,

element 1B), an operating system (Fig. 1, Host CPU), and a spreadsheet program (Col. 4, lines 49-65; Col. 6, lines 48-51).

Regarding claim 6-9, **Starke** further discloses,

- said at least one automaton comprises remote inputs/outputs, and said sensors and/or actuators connected to said at least one automaton are configured to communicate data to the communication line and to receive microcomputer commands and/or data from the microcomputer via the communication line (Col. 1, lines 33-40; Fig. 1, elements 11, 27, 41; Col. 7, lines 14-18);
- said automaton interface driver emulates the proprietary language for the control and/or dialog and/or parameterizing and/or program download functions of said at least one automaton (Fig. 1, elements 13, 13b, 41; Col. 6, lines 48-58);
- said at least one automaton further comprises memory operatively arranged to store a characteristic of operation of said at least one automaton (Col. 7, lines 15-18);
- said spreadsheet program is dynamically associated with at least one other program, said system further comprising means for processing said data received from said at least one automaton by said at least one other program (Col. 4, lines 48-65);

**Starke** discloses the limitations of claim 5 above but fail to *specifically* disclose, regarding claims 5, that said automaton interface driver cooperates with the operating system to provide commands from said spreadsheet program and to receive data from said at least one automaton through said communication line and microcomputer input,

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and regarding claim 10, said automaton interface driver organizes spreadsheet program commands into messages for transmission to said at least one automaton. However, **Grube** discloses a PC cell controller including a Spreadsheet program and an Interface Program connected through a communication line with a PLC (Fig. 3). **Grube** further discloses that the spreadsheet program contains cutsheet data and the interface program provides communication between the spreadsheet, the laser marking station, and other physical components via the PLC (Col. 6, lines 48-53). **Grube** discloses that the interface program provide information to the user regarding an ongoing cutting operation and in the case of inspection screen, also accept input from the user (Col. 6, lines 54-57) wherein there is a cutsheet screen, **which display the cutsheet within the spreadsheet program**; an active cutsheet screen, which displays a cutsheet indicating cut tubes, uncut tubes and the tube currently being cut (Col. 6, lines 59-64, see also Col. 2, lines 47-50). Therefore, it would have been obvious to a person of the ordinary skill in the art at the time the invention was made to combine the teachings of **Starke** with the system of **Grube** because it would provide an improved system wherein a PC controller effectively downloads information in the form of an electronic spreadsheet to a programmable controller as taught by **Grube** (Fig. 3, Col. 7, lines 9-12 and lines 18-25 and lines 60-62).

### **Conclusion**

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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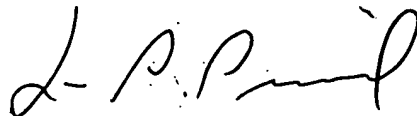
§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning communication or earlier communication from the examiner should be directed to Zoila Cabrera, whose telephone number is (703) 306-4768. The examiner can normally be reached on M-F from 8:00 a.m. to 5:30 p.m. EST (every other Friday).

If attempts to reach the examiner by phone fail, the examiner's supervisor, Leo Picard, can be reached on (703) 308-0538. Additionally, the fax phones for Art Unit 2125 are (703) 872-9306. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist at (703) 305-9600.

Zoila Cabrera  
Patent Examiner  
5/19/04



LEO PICARD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100